

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KIM D. BROWN,

Petitioner,

v.

MICHELE MILLER, WARDEN,

Respondent.

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CASE NO. 1:15-cv-1673

JUDGE JOHN R. ADAMS

ORDER AND DECISION

This matter appears before the Court on Petitioner Kim D. Brown's objections to the Magistrate Judge's Report and Recommendation ("R & R") recommending dismissal of Brown's habeas corpus action. Doc. 12. For the following reasons, Brown's objections are **OVERRULED**, and the Court **ADOPTS** the Magistrate Judge's Report and Recommendation and **DISMISSES** the underlying habeas petition. Doc. 12.

The R & R adequately states the factual and procedural background of this case. Brown has demonstrated no error in that background, so the Court will not reiterate those sections herein.

I. STANDARD OF REVIEW

If a party files written objections to a magistrate judge's report and recommendation, a judge must perform a de novo review of "those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

II. ANALYSIS

While Brown filed a “rebuttal” to the R & R, he does not identify a specific objection or point to a particular error in the Magistrate Judge’s analysis or application of the law. Instead, he strings together a few legal words in a semi-coherent way that indicates he disagrees with the jury’s verdict based on his interpretation of the facts. Since Brown fails to articulate error on behalf of the Magistrate Judge, Brown’s “objections” are overruled.

III. CONCLUSION

For the reasons set forth herein, the Court finds no merit to Brown’s objections, and therefore, those objections are OVERRULED. The Court ADOPTS Magistrate Judge Knepp’s R&R.¹ Doc. 12. Brown’s Petition for Habeas Corpus is DISMISSED.

The Court certifies, pursuant to 28 U.S.C. § 1915(A)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

DATE: April 27, 2017

/s/ John R. Adams
Judge John R. Adams
UNITED STATES DISTRICT COURT

¹ The Court notes that the R & R inadvertently states in the conclusion that the habeas petition should be dismissed as time-barred. The reference to being time-barred is clearly a typographical error since no part of the analysis makes reference to timeliness. Instead, the Court adopts the Magistrate Judge’s recommendation for the reasons described in the R & R prior to the concluding section.